

Immigration Violations

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Shasta County Sheriff's Office relating to immigration and interacting with federal immigration officials.

415.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

415.2 POLICY

It is the policy of the Shasta County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

415.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

415.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

415.3.2 IMMIGRATION INQUIRIES PROHIBITED

Deputies shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

Shasta County Sheriff's Office

Shasta County SD Policy Manual

Immigration Violations

415.3.3 SWEEPS

The Shasta County Sheriff's Office does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

415.3.4 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal immigration agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation, consistent with the limits of the department's resources and the limits of the California Values Act. In particular, the Shasta County Sheriff's Office shall **not**:

- (a) Make or intentionally participate in arrests based on civil immigration warrants. Government Code section 7284.6(a)(1)(E).
- (b) Assist immigration authorities in immigration enforcement activities at the United States border, as described in 8 U.S.C. section 1357(a)(3).
- (c) Perform the functions of an immigration officer. Government Code section 7284.6(a)(1)(G).
- (d) Place deputies under the supervision of federal agencies or employ peace officers deputized as special federal officers or federal deputies for purposes of immigration enforcement. Government Code section 7284.6(a)(2).
- (e) Use immigration authorities as interpreters for law enforcement matters relating to individuals in Sheriff's Office custody. Government Code section 7284.6(a)(3).
- (f) Provide office space exclusively dedicated for immigration authorities for use within a County law enforcement facility. Government Code section 7284.6(a)(5).

The law establishes exemptions from the above restrictions. If a deputy requires further direction, he or she shall immediately contact his or her commanding officer for further direction.

Nothing in this policy prohibits or restricts the sending to, or receiving from, immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual or from requesting from immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity pursuant to 8 USC section 1373 and 8 USC section 1644.

Shasta County Sheriff's Office

Shasta County SD Policy Manual

Immigration Violations

415.3.5 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating deputy should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

415.3.6 ARREST

If the deputy intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the deputy may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances). A field supervisor shall approve all such arrests.

415.3.7 BOOKING

If the deputy is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.